

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICHARD B. KELLY,

Plaintiff,

V.

JACOB NULL,

Defendant.

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Civil No. **08-322-GPM**

ORDER

PROUD, Magistrate Judge:

Tamms Correctional Center is before the Court seeking to quash a subpoena issued to its employee, Michele Baggott, seeking production and inspection of the correctional center's video cameras used to tape incidents at issue in this case. **(Doc. 108)**. Tamms Correctional Center and Michele Baggott are not parties to this case. They object that plaintiff may damage the video equipment. They further argue that because plaintiff has been permitted to view the video material from the incident at issue, there is no need for him to inspect the camera itself.

The Court's June 2, 2009, Order explained that plaintiff had offered nothing but a bald assertion that the video tape has been improperly edited. Plaintiff will be free to cross-examine witnesses regarding the tape and any editing. At this juncture, plaintiff's mere curiosity about the video equipment does not warrant the burden imposed on a non-party to produce the expensive, fragile video equipment. Therefore, the movant's motion is well taken. The Court remains open to reconsideration if plaintiff can proffer a reason for needing to inspect the equipment that goes beyond mere curiosity.

IT IS THEREFORE ORDERED that the subject motion **(Doc. 108)** is **GRANTED**; the

subpoena issued to Michele Baggott for the production and inspection of video equipment is
QUASHED.

IT IS SO ORDERED.

DATED: July 2, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE